

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CASE NO: 1:23-cv-04708

TAYLOR D. PENDLETON, an individual,

Plaintiff,

v.

10Q LLC, a California Limited Liability
Company PROPELR MUSIC, LLC, an Illinois
Limited Liability Company; MARRIANI
RECORDS, an Illinois corporation; ANTOINE
REED p/k/a “Sir Michael Rocks,” an individual;
and DOES 1 through 5, inclusive,

Defendants.

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**PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO SERVE SUMMONS
AND COMPLAINT, OR FOR ALTERNATIVE SERVICE**

NOW COMES Plaintiff, TAYLOR D. PENDLETON, (the “Plaintiff” or “Pendleton”), by and through undersigned counsel, and pursuant to Federal Rules of Civil Procedure, Rule 6(b), hereby files this Motion for Extension of Time to Serve Summons and Complaint, or for Alternative Service (the “Motion for Extension of Time”) on Defendant Antoine Reed p/k/a “Sir Michael Rocks” (“Reed” or “Defendant”). The grounds for this motion are as follows:

1. The complaint (the “Complaint”) in the above-styled matter was filed on July 20, 2023, which commenced litigation proceedings in this Court [DE 1].
2. Pursuant to Federal Rules of Civil Procedure, Rule 4(m), the Plaintiff had “90 days after

Filing” the Complaint to serve all of the Defendants, including Reed; however, this Court “shall extend the time for service” upon a showing of “good cause” or “excusable neglect”. *See* Fed. R. Civ. P. 4(m).

3. Currently all of the Defendants in this action have been served except for Reed [DE 11, 13, 14].

4. The Plaintiff has even moved the Clerk for entry of a Rule 55(a) default against Defendant 10Q, LLC (“10Q”), whose time to respond or otherwise appear in this action has expired [DE 16].

5. The Plaintiff submits that good cause exists for this Court to extend its time to serve Reed.

6. Pursuant to the Illinois Secretary of State’s official website [ilsos.gov](https://www.ilsos.gov) (the “ILSOS”), Reed is President and Director of Marriani, Inc (“Marriani”), which on information and belief owns non-incorporated entity Marriani Records.

7. On the ILSOS, Josh S. Kaplan is listed as the Registered Agent for Marriani, Inc and he is also listed as the Registered Agent for Propelr Music, LLC (“Propelr”), who is another defendant in this case. *See* a true and correct copy of the ILSOS registration for Marriani, Inc., attached hereto as Exhibit “**A**”; *see* a true and correct copy of the ILSOS registration for Propelr, LLC., attached hereto as Exhibit “**B**”; *see also* a true and correct copy of the ILSOS 2023 Domestic/Foreign Corporation Annual Report for Marriani attached hereto as Exhibit “**C**”; *see also* a true and correct copy a copy of the ILSOS Illinois Limited Liability Company Annual Report for Propelr attached hereto as Exhibit “**D**”.

8. According to the ILSOS and the respective Annual Reports, both Propelr and Marriani share the same address: 1525 N Elston Ave, STE 200, Chicago, IL 60642 (the “Business Address”). *Id.*

9. On or around August 3, 2023, less than two (2) weeks after the filing of the Complaint, the Plaintiff retained the services of a process serving company known as Chicagoland Process Services, Inc (“Chicagoland”), to effectuate service on Propelr, Marriani, and Reed at the Business Address. *See* Declaration of Kristina Wilson.

10. By August 3, 2023, Chicagoland had attempted to serve Propelr, Marriani, and Reed at the Business Address. *Id.*

11. Service, however, was not perfected at the Business Address because the process server was told that Josh S. Kaplan was not in the office.

12. After verifying the addresses of Propelr, Marriani, Chicagoland again attempted to serve Propelr, Marriani, and Reed at the Business Address.

13. Once again, service was not perfected at the Business Address because the process server was told that the office in which the process server sought to access to effectuate service was appointment only and no one was physically present.

14. On November 13, 2023, Chicagoland was finally able to serve Propelr, Marriani, at the Business Address; however, Reed was not present at the Business Address and neither Marriani or Propelr would accept service on behalf of Reed.

15. In light of this latest attempt, Plaintiff has scoured the internet, social media, and a plethora of public records searches and Plaintiff believes that she, has located three (3) potential residential addresses for Reed, all of which are in the greater Chicago and/or Cook County area.

16. Should Plaintiff be unable to effectuate service on Reed, the Plaintiff shall seek to serve REED via publication.

17. Plaintiff has been advised that Reed will be represented by the same counsel as Propelr and Marriani in this action and therefore the failure of Marriani and/or Propelr to accept service on behalf of Reed is disingenuous.

18. As this Court can see, the Plaintiff has been diligent in her efforts to locate and serve the Defendant.

19. This case was originally filed in the United States District Court for the Central District of California (the “California Case”), and it was dismissed purely on jurisdictional grounds.

20. The Defendant is personally aware of this lawsuit as his counsel in the California Case are aware of this pending action and Plaintiff’s attempts to serve aware that Plaintiff has been attempting to serve him and Reed has been evading service.

21. Based upon the foregoing, good cause exists for this Court to extend the Plaintiff’s time to serve Defendants pursuant to Fed. R. Civ. P. 4(m).

22. The Plaintiff submits that this motion has been submitted in good-faith and not for the purposes of causing needless and undue delay.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter an Order granting this Motion for Extension of Time, and that extends the deadline for which process may be served on REED by sixty (60) days, or alternatively that this Court permit the Plaintiff to serve REED via alternative service such as through publication and/or his prior counsel in the California Case, or and/or any other relief that this Court deems just and proper.

Dated this 20th day of November 2023.

Respectfully submitted,

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THE LAW OFFICES OF KRISTINA T.
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s/Kristina T. Wilson

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served on all parties or counsel
of record through the Illinois ePortal this 20th day of November 2023.

Dated: November 20, 2023,

s/Kristina T. Wilson